The general principles of the Bill were thereupon accepted by the House unanimously.

THE DEWAN said that the rest of the Government Business would be taken up on Monday the 26th October 1931.

REPRESENTATIONS.

No. 1.—Reduction of Salaries of Officers.

Messrs. Gangireddy, Bagepalli Taluk; Bhaskarappa, Srinivaspur Taluk; and Venkatarame Gowda, Mulbagal Taluk.

No. 2.—Reduction of the Pay of the Officers getting a Pay of more than Rs. 100 per month.

Mr. D. Basappa Gowda, Sorab Taluk.

No. 3.—Reduction of the Pay of Officers.

Mr. C. Subbanna Naik, Koppa Taluk.

THE DEWAN observed that the above three representations might be considered along with Resolution No. 5 which also related to the same subject.

No. 4.—Publication of a book containing the Names of all Officials in the State.

Messrs. L. Siddappa, Channagiri Taluk; and M. Basappa, Kumsi Sub-Taluk.

MR. L. SIDDAPPA represented that Government might be pleased to order the annual publication of a book containing the names, qualifications, etc., of all officials in the State on the lines of the Mysore Civil List. He added that such a compilation would be useful not only for purposes of the grant of promotions to subordinates, but for other purposes as well. There were no doubt rules for the grant of promotions, but it was a well-known fact that they were not being observed impartially. Interpellation No. 5 which was discussed the previous day related one of such instances. In such cases, it was usual for Government to ask for specific instances. The compilation suggested in the representation would furnish the required data to the members. These lists might be prepared either for each district or for the State as a whole as the Government deemed fit.

THE FIRST MEMBER OF COUNCIL said that every department was maintaining a gradation list. To compile a book every year containing over 40,000 names would involve very heavy cost. It would not also be up to date and might not contain all the information regarding qualifications, etc.

MR. L. SIDDAPPA said that, if it was difficult to publish it annually, it might at least be published once in two or three years.

THE FIRST MEMBER OF COUNCIL replied that, in that case, it would be of no value to the members as within that period so many changes would have occurred in the establishment. He added that in the Education Department, for instance, there was a gradation list partly for the whole department and partly by districts, but it would not be so easy to prepare such lists for every department.

KHAN BAHADUR MAHOMED ABBAS KHAN said that in the Police, Excise and other departments, there were gradation lists and it would be sufficient if they at least were made available to the members.

THE FIRST MEMBER OF COUNCIL replied that these gradation lists were not complete as they were only for Inspectors and Assistant Inspectors. Moreover, the representation referred to officials working throughout the State. The Civil List was being printed and made available to the public, but experience showed that very few copies thereof were being purchased. He therefore feared that the publication of a huge list of the kind referred to would entail enormous cost without any benefit to any body.

MR. D. S. MALLAPPA requested that at least the gradation lists prepared in the Education Department might be made available to the members of the House even at a small price.

THE FIRST MEMBER OF COUNCIL replied that, if the gradation list of one department was supplied to the members, then there would be demand for the lists of the other departments which would be a difficult task for the Government to undertake to supply. Also, for reasons already stated by him, it would be of no use to the members as within that period there would be a lot of changes and as a book of reference, it would be of no value.

Many members said that these lists might be printed and supplied to the members at a reasonable price.

THE DEWAN said that it would not be possible to accept the suggestion as it would involve considerable additional cost and sales would be insignificant.

No. 5.—Reduction of Land Revenue.
Mr. Bhaskarappa, Srinivaspur Taluk.

MR. BHASKARAPPA represented that three-fourths of the realisations of the State were derived from landholders and agriculturists, but other classes were enjoying the benefits thereof without paying rateably. The raiyats were paying, in addition to land assessment, the local fund cess without good roads and other amenities; educational cess without proper educational facilities; tank cess and other

contributions without sufficient water supply. So far as the Village Panchayets were concerned, the people had not only to pay the taxes, but had to put in half a day's labour every week. The raiyats were thus saddled with all sorts of cesses and responsibilities without adequate return therefor, while the people in cities enjoyed at their cost. For some years past, rains were not timely and consequently the raiyats could not raise good crops. They therefore found it very hard to pay their kandayam which was very high. For these reasons, he prayed that the rate of land revenue levied from the landholders might be reduced and the deficit made good by levying education cess on the people in the towns and big cities; by enhancing the rates of income-tax; by reducing the salaries of public servants and also by levying a cess from the artisans and weavers as well as a cess on income-tax.

MR. G. MALLANNA represented that there was a great need for an equitable distribution of taxes in the State as far as possible.

MR. L. VEMA REDDY said that it must be evident to the Government that the kandayam was very high, for year after year representations were being sent up to Government in this behalf. The condition of the raiyats was going from bad to worse day after day and it was the duty of the Government to see that the burden of the raiyats was relieved to some extent by an equitable distribution of taxes. He suggested that wherever the land tax weighed heavily upon the people, as for example in the Kolar District, it might be reduced and where it was found to be low, increased to the extent of the decrease in the other case.

MR. USMON KHAN said that whatever action Government might take in the direction of the reduction of land revenue, it should not under any circumstances be increased.

MR. VEERANNA requested that during this time of economic distress, it was absolutely necessary that the rates of assessment should be reduced at least to the level prevailing before the re-settlement. If that was not possible, he requested that the assessment might be taken in kind.

MR. VENKATASWAMI GOWDA said that in the Kolar District the raiyats were paying very heavy kandayam and it should be reduced with a view to equalise the taxation.

MR. SUBBANNA NAIK pointed out that in the Malnad, owing to want of transport facilities and the decline in the prices of food-stuffs, the economic distress was very great. Even the rains were not regular particularly during this

year. Under these circumstances, he thought that reduction of land revenue was urgently called for.

One or two other members from the Malnad represented that the assessment might be reduced by 25 per cent throughout the State with a view to give relief to the raiyats.

MR. MIR MAHOMED said that the basis of enhancement of assessment during the last re-settlement had been practically upset owing to prevailing economic distress among the people and during the present year even the *kushki* crop had dwindled. In these circumstances, he represented that the assessment should be reduced.

MR. SIDDABASAPPA suggested that even at the risk of abolishing certain departments of Government, assessment should be reduced so as to give relief to the raiyats.

THE DEWAN said that it was not possible to comply with the request.

No. 6.—Remission of Land Revenue.

Messrs. S. Siddabasappa, Shikarpur Taluk; V. V. Iyer, Shimoga Taluk; and M. Basappa, Kumsi Sub-Taluk.

MR. V. V. IYER represented that the *pahani* accounts prepared by the Shanbhogues did not help deserving raiyats to obtain remission of land revenue wherever the crops failed as they were not being written up correctly. The Amildars were never in the habit of inspecting either the lands or the *pahani* accounts written up by the Shanbhogues. Also, they would try to hide the real facts from Government with a view to show the highest percentage of collections. Last year, for instance, there were no crops in the Shimoga Taluk, but yet the people got no remission. This was due to the fact that the *pahani* accounts were not maintained correctly. He therefore represented that the *pahani* should be written up and placed before the Village Panchayet before they were submitted to the higher officers.

THE DEWAN observed that the Village Panchayets were not concerned with *pahani* accounts.

MR. S. SIDDABASAPPA suggested that the Shanbhogue should examine each survey number in company with the local Panchayet members and submit his report to the Amildar before the end of September; that the Amildar should submit his report to the Sub-Division Officer before the end of October and that the latter to the Deputy Commissioner before the end of November, who in his turn should send up his recommendation in all cases of remission to Government before the end of December. If such an arrangement was made, the raiyats would get some relief.

MR. GOPALACHAR represented that the *pahani* accounts were not being maintained as prescribed in the Land Revenue Rules. The Shanbhogues prepared the *pahani* without any kind of data and submitted them to the Amildar obtaining certain signatures to the same at random. There was absolutely no check over the Shanbhogue and whatever he wrote was taken as correct and passed. That caused great hardship to the raiyats. With a view to rectify matters, a suggestion was made at the last session of the Assembly that the Shanbhogue should take the help of a member of the Village Panchayet. He requested that that suggestion might be given effect to and that a circular might be issued to the Amildars impressing upon them the importance of preparing accurate *pahani* accounts in time.

THE REVENUE COMMISSIONER replied that action had already been taken in the matter.

At this stage, the House adjourned for lunch.

On re-assembling at 3-30 P.M. the DEWAN announced that he had received notice of an adjournment motion to the effect that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the policy adopted by the Government in collecting land revenue in Udugani and Talagunda Hoblis of Shikarpur Taluk in Shimoga District, and said that he had no objection to allow it if it received the approval of not less than 50 members of the Assembly. More than 50 members having signified their assent, it was decided to be taken up for discussion at 4-30 P.M. on Tuesday the 27th October 1931.

MR. H. K. MADAIYA then rising pointed out the inadequacy of the number of representations discussed every time. Most of the members came to the Assembly with a view mainly to represent their grievances, but somehow or other a large number of subjects could not be taken up for discussion. He therefore earnestly appealed to the Dewan to see that a larger number of subjects was allowed to be discussed.

THE DEWAN replied that it would be possible to deal with most of the representations if only one or two members spoke on each subject, more members participating in the discussion of a few important subjects.

This suggestion was agreed to by all the members.

MR. BANDI NARANAPPA represented that high rates of assessment were fixed at a time when prices had been ruling high. But now, due to trade depression all the world over, prices of food-stuffs had fallen, with the result that the raiyats found themselves unable to pay their kandayam without borrowing, since they could not get sufficient money even by the sale of their entire produce. Under such circumstances, he appealed to Government to show adequate relief to the raiyats by way of reducing the wet and dry rates of assessment.

MR. H. C. DASAPPA pointed out that Government had replied at the last session of the Assembly that they would watch how the situation would develop and do the needful. The Dewan also had observed that the situation would be reviewed next year and necessary relief provided to the raiyats if circumstances necessitated it. The speaker said that the time had now come for a full review of the situation. The prices had not yet risen. Due to want of timely rains there was not even as much crop as during the last year. It was therefore necessary for Government to announce the action that they would take to give adequate relief to the raiyats. He added that a definite assurance by Government that they would do something in the matter should be announced immediately.

MR. D. S. MALLAPPA also agreed with the above views. He said that an abnormal situation had arisen. There were no rains and no crops. The raiyats had been reduced to such a position that they were compelled to sell for very low prices what little produce they got just to pay their kandayam. Hence, urgent relief by way of reduction in the assessment was called for. He suggested that the loss incurred thereby could be made up by cutting down the salaries of Government servants.

MR. VENKATASAMIAH also emphatically pleaded for concession being shown to the raiyats. He said that the raiyats were unable to pay kandayam even to the extent they had paid last year, because this year there were no rains at all. And added to that, the fall in prices continued. There was not the slightest chance of their rising. Even Government must have been aware of this fact. And it was not known why they did not do the needful as promised by them at the last session of the Assembly. Instead of fulfilling the promise, they had issued confidential orders to Amildars for the strict collection of kandayam ; for, already coercive measures were being taken in certain places for the

collection of arrears of revenue. The position of the raiyat was that he had no money in cash to pay. So any amount of coercive measures adopted by Government would be fruitless. Even the very small request for increasing the number of *khists* was not complied with by Government. The speaker therefore said that urgent relief was needed.

MR. H. B. GUNDAPPA pointed out the various difficulties that the raiyats, especially in Hassan Taluk, were experiencing in the matter of payment of assessment. He understood that recently a confidential circular had been issued to the Amildars to the effect that all those who had allowed arrears to the extent of Rs. 50,000 or more would be immediately transferred. He also understood that an assurance had been given to the Amildars that all those who collected the largest amount would be promoted. Such measures he thought had a very prejudicial effect on the raiyats as the Amildars would harass them.

THE FIRST MEMBER OF COUNCIL said that, if any particular Amildar was found to be slack in his duties, Government would not hesitate to take suitable notice of his conduct. At the same time, if it was found that he harassed the raiyats, Government would not tolerate that conduct also.

In the case of Hassan particularly, out of a demand of Rs. 3 lakhs there was an arrear to the extent of Rs. 1 lakh. After all, this taluk could not be said to be worse off than other taluks and there was no reason apparent why so much arrears should have been allowed only in this taluk. It was to be presumed that the Amildar was slack in his collection work. It was not open to him to take only what the raiyats were willing to pay and sit down with folded hands without making efforts to collect more. Such a conduct Government would not, for a moment, tolerate.

MR. H. B. GUNDAPPA pointed out that the real conditions of the taluk could be known only to the people of the locality. If the people were really able to pay, it was not likely that more than one-third of the kandayam would have remained unpaid. Such instructions to the Amildars would certainly affect the interests of the raiyats.

THE FIRST MEMBER OF COUNCIL observed that even in the taluks worse off than Hassan, the collections were not so bad. He added that, so far as Government were concerned, all kinds of reasonable facilities and concessions were given to the raiyats for payment of their kandayam. In Bombay, for instance, against Rs. 4 crores, the arrears amounted to only Rs. 4 lakhs, while in Mysore, against Rs. 140 lakhs, as

much as Rs. 28 lakhs were in arrear against a normal figure of Rs. 7 lakhs. That showed, he said, that Government had not been unduly harsh upon the raiyats by using coercive measures.

MR. H. B. GUNDAPPA pointed out that whatever the point of view of Government was, it was a fact that particularly in the Malnad the raiyats had to sell away all their jewels for the payment of kandayam. Either the crops were destroyed by excessive rains in some parts or there were no crops at all. All the same the result was that the raiyats suffered heavily. He therefore prayed for adequate relief being given to the raiyats.

MR. H. K. MADAIYA also appealed to Government to sympathetically consider the question of reduction of assessment. He said that, unless Government promised this measure of relief to the raiyats, the members of the Assembly could not face their constituencies on their returning home.

MR. CHANNAMARE GOWDA also emphatically pleaded for the reduction of land revenue. With no timely rains in some places and with the loss of crops due to excessively heavy rains in some other places, the raiyats had been reduced to the position of absolute helplessness. They had no ragi or any other produce to sell just to pay kandayam. They had not enough of food even to keep their body and soul together. Further, there was not enough of fodder for cattle with the result that in some places lands could not be tilled. Everywhere there was distress. Howsoever the conditions of the raiyats had been represented to Government, he was sorry that no adequate relief had yet been shown. The prosperity of the State depended on the welfare of the raiyats. They were the backbone of the country and if, at an abnormal situation as this, no adequate relief was forthcoming, he did not know on what other occasion it could be shown. He therefore pressed for the urgent grant of the relief prayed for.

MR. BAGAMANE DEVA GOWDA pointed out that any punishment to the Amildars for failure to collect land revenue would rebound on the raiyats. The Amildars had been harassing and teasing the people already and any fear of punishment to them for the alleged slackness on their part would do immense harm to the raiyats. The present was the time when either for want of rains or due to excess of rains, agricultural and commercial produce had equally suffered. At such a time, relief was most called for.

Member after member pressed in favour of some relief to the raiyats by way of reduction of assessment.

THE FIRST MEMBER OF COUNCIL said that Government were aware of the difficulties of the raiyats on account of failure of rains in some places. He, however, thought that it was not possible to say exactly at the moment how conditions would shape themselves during the rest of the year both in regard to rains and the price of food-stuffs. He would wait till about March next, when, it would be time to consider whether any action was necessary and if so, what.

Adjournment Motion.

It being 4-30 P.M., the adjournment motion relating to the order passed under Section 144 against Mr. Rama Sharma was taken up for discussion as had been previously announced.

MR. HOSAKOPPA KRISHNA RAO in moving the above said that there had been a large awakening in the masses during recent years. People had come to claim their legitimate rights and privileges more and more. They had come to claim also a legitimate share in the administration of the country. At such a time, he said it was not proper to use deadly weapons in the shape of sections like 144 of the Criminal Procedure Code, 39 of the Police Regulation, etc. When Section 144 was originally incorporated in the statute book, it could not have been the object to meet situations like those to which that section was at present applied. The use now made of that section was largely calculated to stifle all independence among the people. Where a man took part at a meeting, or made a public speech or interfered as a mediator between capital and labour, this section was used. In his opinion, it was a dangerous section which each judicial authority interpreted in his own way. For, English language was pliable. As it stood, the section was meant to be enforced in quarrels between private individuals which might eventually lead to a disturbance of the public peace and could not have been meant to be made applicable to cases where a man came to claim his legitimate rights and privileges. He thought that, if necessary, a committee might be appointed to investigate into the uses to which the section had now come to be applied and also whether the action of Government, as in the present case, was a correct one. Public men had the same desire as Government had, to advance and to look after the interests of the people.

THE DEWAN observed that the desire of both was, no doubt, the same, but the responsibility for maintenance of peace and order was that of Government.

MR. HOSAKOPPA KRISHNA RAO agreed to that, but thought that it was desirable that a portion of that burden should also be thrown on the people. He observed that there should be no gulf between the people and Government and that, if there was any, it should not be widened by means of repressive acts. It was not proper for Government to encroach upon the rights of the people; for, by doing so, they would not really be safeguarding the interests of the people. For these reasons, he said that Section 144 of the Criminal Procedure Code should be effaced altogether from the statute book. There were regular Courts established in the country and all facilities for trying a person judicially had been provided. There was no reason why the executive authority should be given the power to over-ride the judiciary. This section, he thought, was a blot on the fair name of Government. For instance, it was applied to cases where Congress flag was hoisted. He did not see why Government should interfere in such a harmless affair as thongh, if it was allowed, there would be a big rebellion in the country. There was absolutely no ground for the fear that, if the Congress flag was hoisted, there would be a breach of the peace. If only Government hinted that there would be a breach of the peace, the local executive officers would work on that hint and begin to use the power vested in them under Section 144 indiscriminately. The C.I.D. Inspector at present wrote up a certain report and submitted it to the Superintendent of Police, the latter added his own note and sent both the reports to the Deputy Commissioner who in turn fully used all his powers and passed gagging orders, without imagining what consequences they would have on the individuals affected thereby.

In the present case, the order of the Deputy Commissioner had been extended by Government for 6 months. The speaker did not deny that Government had such a power. But he feared that, when a subordinate officer knew that Government supported his action in such cases, it would be no wonder if he went out of hand in similar other cases. These were days of democracy. The Round Table Conference was sitting for defining the rights and privileges of the people. At such a time, it was not proper to resort to repressive acts. The cordiality between the Government and the people that had been so long maintained would be lost.

He was of opinion that the fundamental rights of the people should be preserved intact instead of being encroached upon.

In the case of Mr. P. Rama Sharma, what were his acts which necessitated the passing of the gagging order against him? Could the Government say that he should not go along this road or that road on very flimsy reasons? And was such action on the part of Government contemplated in Section 144? The man was very poor. He had to work for his livelihood. Instead of restraining him in the particular way now done and denying him the ordinary means of livelihood, it would have been much better if he had been lodged in the jail. One fine morning, he came from Bhadravathi and he was immediately caught and put under restraint. He was practically interned and brought to the point of starvation. Had the Government received reports that he was an undesirable man? There was no doubt that he was a labour leader and was fighting for the cause of labourers. Before coming to Mysore, he was working in the same capacity in Burma. His services there had been very highly eulogized by no less a person than Sir Reginald Craddock. And it was on this man that this Government passed orders of internment. Let an open enquiry be made and if he was found to be guilty, let him be punished to any extent and then no one in this Assembly would question the action of Government. To-day it was Mr. Rama Sharma that was sacrificed at the altar of the executive bias and to-morrow it would be some one else. If Government was forced to take this action on Mr. Rama Sharma by outside agency, he would implore on them to re-consider it and take better counsel before it was too late.

THE DEWAN said that the order passed was in the public interests and that it was quite necessary in such interests. He said that there was absolutely no foundation for the belief that Government had acted under the pressure of any outside influence. It was the duty and responsibility of Government to preserve public peace and order and they must take all action which they consider necessary and exercise all the powers with which they are vested for discharging such duty and responsibility. This is perhaps the first order of the kind passed by this Government while such orders are fairly frequent elsewhere and this should show how careful and restrained the Government are in exercising this power. The Government will give the deepest consideration when situations arise calling for such action, but when, in their opinion, an order of the kind is

necessary in the interests of public peace, it must be passed, and will be passed.

MR. HOSAKOPPA KRISHNA RAO said that he was glad to hear that Government alone were responsible for the action they took, but requested them to correct the mistake done by them. He thought that Government should withdraw the order immediately in this case.

MR. K. T. SATYANARAYANA SETTY supported the adjournment motion. He said that he could not help making at least a few personal references to Mr. Rama Sharma.

MESSRS. N. G. SANJEEVIAH and H. C. DASAPPA rose to a point of order and observed that no personal references should be allowed.

THE DEWAN ruled that the general aspect of the order alone was to be discussed.

MR. K. T. SATYANARAYANA SETTY, continuing, emphasized that, before the very first order was passed, the District Magistrate should have made proper enquiries as to whether the reports, on which his order was based, were entirely dependable and the order was really called for. He should also have given scope to the individual concerned to prove that he was innocent. The speaker knew that there were many Criminal Investigation Department officials whose reports were not always reliable and were often false or exaggerated. If orders under Section 144 were issued on the strength of such reports, the results might sometimes be disastrous. Similar orders might be passed against anybody, once such reports were believed and acted upon. And as if the first order had not done the person concerned sufficient injustice, the Government had extended its operation by another order and specified the area beyond which the man should not go and thereby confined him to a restricted area without considering how he should earn his own livelihood.

THE DEWAN and the FIRST MEMBER OF COUNCIL observed that that was not the position and that it was entirely the other way about, because the person was free to move in the whole city except the specified area.

MR. SATYANARAYANA SETTY said that even then the Government should have exercised the greatest amount of discretion and caution before passing an order of internment, because sooner or later they might be required to place all the facts of the case before a court of law.

THE DEWAN said that there was no order of internment at all.

MR. H. C. DASAPPA observed that, if at all, it was one of externment.

THE DEWAN and the FIRST MEMBER OF COUNCIL said that even that order was in respect of a limited area, for a limited time, in view of the special situation in that area.

MR. SATYANARAYANA SETTY contended that even then it was an interference with a fundamental right of the person concerned.

THE DEWAN said that the fundamental rights of the community at large in regard to public peace were of paramount importance.

MR. SATYANARAYANA SETTY said that, even then, the ordinary penal law of the land should be applied and every scope given to the person to state his own case. He also appealed to the Government to remove obnoxious provisions like Section 144 in commemoration of the Golden Jubilee of the Mysore Representative Assembly.

MR. BELUR SRINIVASA IYENGAR thanked the President for having admitted the adjournment motion. He said that the order passed in the case under discussion consisted of two parts, one relating to the freedom of speech of the individual concerned, and another to his physical movement from place to place. He contended that, while the Government might have been justified in the former case, they were certainly not right in the latter. He had made an earnest study of all the reported cases in the British Indian Provinces but had not found a single case like this anywhere except in the Punjab, as evidenced by one unreported case of the year 1873. Of course, the Government could prevent a man from doing certain acts on a public street or in a public place, but by no means could they prevent him from even going to any public place or street. Even in the unreported case referred to, the High Court had decided that all that the Magistrate could do was to prevent the man from doing certain things in a public place, which might result in a breach of the peace. In that way, the authority making an order of the kind should exercise a proper sense of proportion and see that, while protecting the rights of the public at large, the rights of particular individuals were not unnecessarily interfered with. He also thought that the word "act" in Section 144 had been apparently applied by the District Magistrate to the physical movement of the person complained against, quite contrary to the accepted interpretation given to it.

Secondly, the State maintained a costly Police Department and a costly Military Department; these could be made use of to restore order whenever it was wanting. So there was no need for the Government to resort to things like Section 144 to ensure public peace.

Thirdly, the District Magistrate might have considered that it was necessary or desirable to serve an order under Section 144 on the individual as an emergent measure. But before confirming it or extending it, the Government should have given full opportunity to the individual to prove his own innocence. He regretted that this was not done. There was no reason for passing such *ex-parte* orders in the model State of Mysore where there was an identity of interest between the ruler and the ruled. Such an order, he feared, would only have the effect of attaching too much importance to a common individual doing work in his own humble way for safeguarding the rights of the people. He asked whether the Government had not charged so many individuals in connection with the Bangalore Disturbances and given them every scope to defend themselves and whether the same thing could not have been done in the case under reference.

THE FIRST MEMBER OF COUNCIL said that a careful perusal of the section would suggest the remedies that were open.

MR. BELUR SRINIVASA IYENGAR replied that it was true that the person concerned in the case did not go to the High Court in appeal against the District Magistrate's order as he could have done. But, if the Government also confirmed and extended it without giving him a hearing, no remedy had been indicated in the section. He was of opinion that the Government should not resort to such indirect methods of dealing with persons. Whenever the representatives of the people wanted fresh constitutional reforms, the Government used to say that there was an identity of interest between the Government and the people and so reforms or no reforms, it was all the same. He appealed to the Government to show the same identity in this matter also by agreeing to repeal this obnoxious provision of law. The Government of Mysore was not an alien Government and the Dewan, the Members of Council, and almost every one of the State officers were sons of the soil, happily destined to live in the State even after retirement. It was up to them, therefore, to do things which would endear them to the people and not alienate public sympathy and popular respect.

MR. M. S. LINGE GOWDA said that he viewed the adjournment motion with mixed feelings, because on the one side he saw certain individuals including congressmen and lawyers who were always creating trouble for Government, and on the other, he found some of the executive officers of the Government over-enthusiastic in the discharge of their duties and almost become panicky in their methods and actions. If certain things were only ignored, they would never assume unhealthy proportions; but, instead of that, the Police by unnecessary interference courted trouble for themselves and the people. In support of this view, he cited a few recent instances within his own experience and knowledge.

MR. H. K. MADAIYA spoke in favour of the adjournment motion. He agreed with Mr. Belur Srinivasa Iyengar in that, while the Government could control the actions of certain persons, they could not at the same time restrict their movement from one place to another. After all, the Labour Union, the Congress and all the popular bodies had respectable people for their leaders, and if they were only trusted to keep the public peace, there would be absolutely no trouble. Disturbances had become things of the past, a new era had set in, and this was the time for the Government to introduce healthy reforms and rescind provocative provisions of law. He hoped that Government would do the needful in both these directions.

MR. N. G. SANJEEVIAH opposed the adjournment motion and said that if the order in question had not been passed, peace and tranquillity could not have been restored in the mill area. He said that, as a result of the activities of Mr. Rama Sharma among the labourers in the Binny Mills area, every one of the residents of the locality had become panicky at the time of the disturbance and left their houses, and to this day the house-owners of the locality were suffering loss because the houses remained unoccupied. If the members who had so far supported the motion really thought that the order was unjust, he asked why they had not presented the case of the person concerned before the District Magistrate or preferred an appeal on his behalf. He personally thought that all this agitation had been set up by interested individuals, with the sole object that the outside world should think that there was popular unrest throughout the State.

At this stage, MESSRS. H. B. GUNDAPPA and G. CHAN-

THE DEWAN stated that, as other members appeared to be anxious to express their views, it would not be right to close the discussion at that stage.

MR. B. USMON KHAN thought that this was not a matter in which the Assembly could interfere. When the Government passed a certain order to secure public peace, it was not proper for members of the Assembly to protest against it. It was their duty to respect Government and their orders.

MESSRS. B. P. BASAPPA SETTY and B. GOPALACHAR moved for closure at this stage.

THE DEWAN repeated his previous observation.

MR. T. SIDDALINGIAH said that, because some uncomplimentary personal references to Mr. Rama Sharma had been made by some of the previous speakers, he had in fairness to him to tell the House that that gentleman had exerted such a healthy influence on labourers in Burma that the Government thereof had appreciated his work in the highest terms. He was formerly a merchant dealing in lakhs of rupees, and later a Sub-Editor of *The Swadesamitran*. He would request the House to understand that gentleman properly. It was not true, therefore, that he was undesirable or that he instigated anybody to violence. Officers of Government who depended on false reports and exercised all their powers against such persons, were not serving the State rightly. It was up to the Government to check such things and encourage public-spirited gentlemen to co-operate with the Government and serve the public. He therefore requested the Government to give a free hand to leaders of popular organizations as far as possible instead of curbing them at every stage.

CAPT. Y. V. AYYA said that the person against whom the order in question had been applied could not be said to have any stake in the country as he was neither a rate-payer of the Bangalore City nor holder of agricultural land, paying any assessment to the Government. The speaker then compared the state of the labourers before Mr. Rama Sharma came to the State and after the organization of the Labour Union by him and described how, under his influence, the labourers became unruly, resorted to violence and police intervention became necessary. The order in question was thus necessary and it undoubtedly had a very salutary effect on one and all concerned.

MR. D. S. MALLAPPA, in supporting the motion, observed that recently there was too much police and magisterial interferences in all parts of the State even in matters like

liberty of speech, peaceful picketing, etc. The masses were rapidly realising their rights and fighting for them both in the State itself and elsewhere. At such a time, unnecessary interference was by no means calculated to help the cause of the country's political advancement. In the particular case under discussion, an *ex-parte* order had been passed and certain members of the House had justified that order for the reasons given by them. The Government would do well to withdraw the order and sanction the prosecution of the individual in a regular court of law, citing those very members as witnesses for the prosecution, try him, give him an opportunity to have his say, and then award any punishment that might be called for. He could never agree to passing an *ex-parte* order and treating the case as closed, without giving the person such a chance.

MR. HOSAKOPPA KRISHNA RAO said that he was not particular about answering the various points referred to by his opponents. A question of principle was involved in the case under reference, and Section 144 was a slur on the fair name of this Model State. He therefore wished that it should be removed at the earliest opportunity and that, in the meanwhile, an open enquiry should be held into the affair and needful action taken.

THE FIRST MEMBER OF COUNCIL said that Government were glad to hear so many members say that they were anxious to share Governmental responsibilities. But he asked them to remember that in any country, whatever the form of its Government, it is absolutely essential that certain executive power should vest in that Government for the preservation of law and order. Such powers could, under no circumstances, be entrusted or delegated to a council, assembly or committee. At the same time, it is the duty of the Government concerned to see that in exercising those powers it did not arbitrarily interfere with the rights and liberties of the subjects of the State, and that is why these powers came under legislative sanctions. Of course, Government may have even to use its residuary powers outside legislative sanctions. There are occasions of possible danger to public tranquillity, when ignorant labourers and young boys might get excited and cause public disturbance. This, in fact, is a common feature now-a-days. At such times, the executive officers would naturally be anxious about public peace; they have to see that no lives are lost and no property is damaged. Their responsibility on such occasions is indeed very heavy. It is absolutely necessary that executive

officers in charge of such situations should be vested with adequate executive powers. No matter what form of Government obtains in the country; whether it be the Government of the Irish Free State or of Egypt, whether it be a Fascist or Democratic Government or an Absolute Monarchy, such powers really vest in and are exercised by the executive officers.

In the course of the discussions that had so far taken place, Messrs. Hosakoppa Krishna Rao and Belur Srinivasa Iyengar had referred to the circumstances under which alone Section 144 could be resorted to. With reference to that, he wished to say that the cases in which that section could be put in operation had been laid down in the Regulation itself. But to the section under reference, two amendments had been made in the year 1927. The effect of those amendments was that if an *ex-parte* order was passed against a particular man he had the opportunity of appearing before the Magistrate, explaining his case, producing witnesses and arguing out the whole case, so that, if necessary, the order might be rescinded. If the Magistrate did not give him the relief he sought, it was also open to him then to go up to the High Court which had revisionary powers.

MR. BELUR SRINIVASA IYENGAR pointed out that no appeal to the High Court lay when once the period of operation of a District Magistrate's order was extended by the executive Government.

THE FIRST MEMBER OF COUNCIL replied that, while the District Magistrate's order in question had been passed on 21st July 1931, neither the District Magistrate himself nor the High Court had received from the person concerned, any application for an enquiry into the case and cancellation of the order. Subsequently, the District Magistrate had explained to the Government the extent to which his order had improved the situation, as well as the need for extending the period of operation of that order, and the Government had, in view of those explanations, extended the period accordingly in exercise of the powers vested in them. How far such extension was called for and what salutary effects it had on certain restless elements it was for residents of Bangalore, and especially of the area concerned, to consider. Immediately the order was passed, the situation was brought under control, the excitement among the labourers ceased, and the labouring population have had a peaceful time. Out of 4,000 or 5,000 labourers that were concerned in the strike, about 60 or 70 might have been thrown out of employment as a

result of all the disturbances, but all the rest of them were able again to get back to their jobs, earn their wages and maintain themselves and their families.

Messrs. Hosakoppa Krishna Rao and Belur Srinivasa Iyengar had also said that Section 144 should not be made use of by the Government to suppress political progress. Government agreed in this view. They had not made such use of the section. In fact, it was to prevent a misapplication of the section that the amendments of 1927 had provided for the case being taken up before the High Court. In putting in operation their powers under the section, the Government should see whether in the circumstances of the case and on the facts before them, the Magistrate was entitled to pass the order in question in the interests of public safety. He said that, in the case in question, all this had been done. Any other course would be tantamount to surrendering their powers which the Government were certainly not prepared to do. Their responsibility was there, and it could not be contended that in this particular case they had by any means exceeded their powers or gone beyond what their responsibilities required. The House must also remember that Government were not applying the section every day. So far as he was able to recollect, this was the first time that such an order was passed in the State, which only showed that so far there had not been any need for it. But the Government wished it to be understood that, if it ever became necessary, they would never hesitate for a moment to apply the section. He maintained that the action of the Government in the case under reference was both just and necessary and so the Government were not prepared to withdraw their orders.

As it was 6-30 P.M., the debate on the motion automatically terminated at this stage.

The House thereupon rose for the day to meet again at 12 NOON on Monday the 26th October.